

Application No. 10/715 158
Amendment dated July 10, 2006
Reply to Office action of May 9, 2006

REMARKS

Claims 1, 2, 5 and 6 have been previously withdrawn, claim 3 has been previously amended, and new claim 7 has been added, leaving claims 3, 4 and 7 in the case and at issue.

Applicant has encountered some problems in responding to this final action. After receiving the Office action on May 12 applicant's attorney left a message for the Examiner which was never returned. On June 23 applicant's attorney talked to the Examiner who said she was busy with end of the month matters but would call back after June 30, which never happened. On July 3 applicant's attorney left another message for the Examiner which was never returned.

Turning now to the prior art, the Examiner again rejected claims 3 and 4 as being anticipated by Courtwright. As is well known anticipation requires that each and every element of the claimed invention be disclosed in one prior art reference. Applicant submits that the Examiner errs in finding each and every element in Courtwright.

The Examiner states that a second set of cables is positioned above the horizontal shelving means, but does not refer to any number to point out where they are located in Figure 2 of Courtwright. This is important because this so-called second set of cables does not seem to be anywhere in Figure 2!

The Examiner notes that Courtwright has vertical frame posts 22, 23; cable brackets 62; and cables 82. A close look at Courtwright reveals that the cable brackets 62 are welded to the beam 20, not to the vertical frame posts 22 and 23. Applicant's amended claim 3 requires a set of rear cable brackets attached to the set of vertical frame posts. Since Courtwright does not have brackets attached to vertical frame posts, Courtwright cannot anticipate claim 3.

In addition, the tension rods 72 and 82 of Courtwright are below the front beam 20 and do not stop anything from flying off the storage system. On the other hand, the cables of applicant are attached to the cable brackets which in turn are attached to the vertical frame posts just above the lateral support beams. Since Courtwright does not have the above structure this reference cannot anticipate claim 3.

In Courtwright when a loaded cart collides with the front beam 20, the majority of the collision forces are directed toward the middle portion of the front beam, which exerts diagonal tension forces on the tension rods 72 and 82 between the front beam and the interior structural cross support. Thus it is very clear that in Courtwright the front beam 20 stops the loaded cart while in applicant's structure the rear-stop cables stop a pallet from continuing beyond the designated space. The Examiner keeps referring to vertical post 23 but this seems irrelevant because front beam 20 is between two vertical posts both numbered 22.

Applicant submits that in view of the above there is no basis for rejection of claim 3 under section 102(b) and requests reconsideration and allowance. Applicant has persuasively argued that claim 3 is not anticipated by Courtwright.

Claim 4 is dependent upon claim 3 and recites that the set of rear cable brackets position the corresponding set of rear-stop cables a selectable distance away from the rear of the pallet bay to allow an overhang of pallets placed on the lateral loading support beams. This structure is not shown or even suggested by Courtwright. Accordingly, it is contended that the Examiner's rejection of claim 4 is traversed.

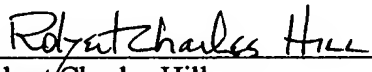
New claim 7 is also dependent on claim 3 and requires that the set of rear-stop cables attached to the cable brackets are parallel to the lateral loading support beams. Clearly this structure

is not shown or even suggested by Courtwright. For example, Figure 2 of Courtwright does not show any rear cable brackets attached to posts 22 above rails 19 with cables attached to the brackets parallel to the rails 19.

Early allowance of claims 3, 4 and 7 and passage of the application to issuance are earnestly solicited. This amendment is being filed within two months of the mailing of the final action.

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Respectfully submitted,


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